

REMARKS/ARGUMENTS

In the Office Action dated April 29, 2005, the Examiner rejected Claims 1 and 9-10 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,393,267 (Busse). The Examiner rejected Claims 7, 11 and 16 under the second paragraph of 35 U.S.C. §112. Finally, the Examiner objected to the drawings under 37 C.F.R. §1.83(a) as not showing every feature of the invention specified in the claims.

Initially, Applicant notes with appreciation the Examiner's indication that Claims 21-24 are allowed, that Claims 7 and 11-20 would be allowable if amended to overcome the outstanding objections, and that Claims 2-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to the Office Action, Applicant has traversed the outstanding §102(b) rejection of Claims 1 and 9-10, as well as the outstanding §112, second paragraph, rejection of Claims 7, 11 and 16. Applicant has also traversed the Examiner's objection to the drawings. Accordingly, Claims 1-24 remain in the application for purposes of continued prosecution.

The Examiner rejected Claims 1 and 9-10 under 35 U.S.C. §102(b) as being anticipated by Busse. In this regard, the Examiner states that:

Regarding claim 1, an electrically conductive connector C (see fig 1, column 2 lines 30-45) fitting for a rigid conduit comprising: a connector body B (see fig 1, column 2 lines 30-45) having a passage for receiving a conduit (see column 2 lines 48-60); a gland nut N threadably coupled to the connector body (see fig 1, column 4 lines 1-5), said gland nut including a passage extending therethrough and a shoulder 34 (see fig 3, column 4 lines 1-5) extending into said passage; a continuous metal compression ring R (see fig 1, column 3 line 43) positioned within said gland nut passage (see fig 2, column 3 lines 55-75), said compression ring including a stop 31 and an end portion 30 adjacent to said gland nut shoulder (see figs 1-2), said end portion being positionable within said shoulder when said gland nut is tightened (see fig 2, column 3 lines 40-75).

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Our Docket: 577-625
Page 6

Response to Office Action dated April 29, 2005

Amendments to the Drawings:

The objections to the drawings set forth by the Examiner in the above-referenced Office Action have been traversed in the Remarks/Arguments of the present Amendment.

Regarding claims 9-10, wherein said stop on said compression ring is engageable with an end of said connector body to limit movement of said compression ring in the direction of said connector body as said gland nut is tightened (see fig 3), and said stop on said compression ring is engageable with said shoulder on said gland nut (see fig 3).

Applicant respectfully traverses the foregoing rejection of the claims. In this regard, the Busse reference cited by the Examiner discloses a connector C which fits on the end of a jacketed strip-wound flexible hose H. Connector C generally includes a body B, a seal ring R and a nut N. The cylindrical exterior of the body includes 2 diametrically opposite lugs, which act as interrupted threads. The lugs are helically pitched and are shaped and positioned to wedge into the internal threads of hose H. Ring R is made from a plastic material. In particular, ring R includes a deformable ring 31 which is designed to be pressed against sealing face 26 (see figure 3) when nut N is tightened thereon. Ring R further includes a beveled face 30 configured to engage face 34 of nut N.

In particular, the Busse reference cited by the Examiner discloses a liquid tight fitting for a strip-wound flexible hose. As will be recognized by those skilled in the art, a fitting for a liquid tight fitting (as disclosed in the cited Busse reference) is distinct from a fitting for a rigid conduit (as claimed in the present application). The Busse reference discloses that the helical lugs on body B thread into and engage the internal metal threads of the hose, thus providing both a mechanical and an electrical connection. Accordingly, in such an application, a plastic deformable ring is used to provide the necessary liquid tight seal. Particularly, plastic ring R is pressed against plastic jacket 13 but nut N, as well as being pressed into deforming engagement with sealing face 26.

In contrast, the present invention is directed to a fitting for a rigid conduit which includes a continuous metal compression ring positioned within the gland nut passage, the compression ring including a stop. Thus, the claims of the present invention specifically recite a **metal** compression ring, whereas the cited Busse reference discloses a **plastic** seal ring. It is

to be noted that a plastic seal ring would not function in the present invention, just as a metal seal ring would not function in the fitting of the cited prior art reference.

The claims of the present invention also require that the compression ring include a stop. As described in the present specification, the stop cooperates with the gland nut such that when proper torque is achieved, the gland nut is no longer able to compress the compression ring. The ring disclosed in the Busse reference does not include a stop. The Examiner refers to element 31 of the Busse reference as disclosing the recited "stop". It is respectfully submitted that element 31 of Busse is not a "stop" as defined by the present specification since it does not and can not prevent tightening of the gland nut beyond the point wherein proper torque has been achieved. In this regard, it is clear from Busse that ring R is intended to be deformed, and in no way limits the tightening of nut N.

Thus, it is abundantly clear that the cited Busse reference does not disclose a metal compression ring, nor does it disclose a compression ring having a stop thereon, as recited in Claim 1. Accordingly, the Examiner's rejection of Claim 1 under 35 U.S.C. §102(b) is improper, and must therefore be withdrawn.

Inasmuch as it is believed that independent Claim 1 defines over the prior art, Claims 9-10, which depend therefrom, are also believed to define over the prior art. Accordingly, the outstanding §102(b) rejections of such claims should also be withdrawn.

Next, the Examiner rejected Claims 7, 11 and 16 under 35 U.S.C. §112, second paragraph. In this regard, the Examiner states that:

Regarding claims 7, 11 and 16 the word "means" is preceded by the word(s) at least one (for claims 7 and 11, extending from said stop, and (for claim 16) in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Lumb*, 159 USPQ 694 (Bd. App. 1967).

Applicant respectfully traverses the foregoing rejection of the claims. In this regard, the Examiner's rejection is unclear and is not at all understood. In fact, the rejection appears to be in direct contradiction to existing patent statutes and controlling case law. The Examiner's reference to a 1967 Board of Appeals decision is also not understood. First, the use of the phrase "at least one" in line 1 of Claim 7 and line 9 of Claim 11 is quite different from the issues addressed in that decision. Moreover, both of these claims clearly recite a function. In particular, Claim 7 recites the function of "visually indicating that said gland nut has been properly torqued" while Claim 11 recites the function of "visually indicating that said metal gland nut has been properly torqued."

The Examiner's comments with respect to Claim 16 are even more confusing. First, contrary to the Examiner's statements, there are no words preceding the term "means" in Claim 16. More particularly, Claim 16 recites: "means for providing a tactile indication that said gland nut has been properly torqued". There can be no doubt but that the function is clearly recited. In sum, the Examiner's §112, second paragraph, rejections are unclear, not understood, and in direct contradiction to existing patent statutes and controlling case law. The outstanding §112, second paragraph, rejections are therefore improper, and must be withdrawn.

Finally, the Examiner objected to the drawings under 37 C.F.R. §1.83(a) as not showing every feature of the invention specified in the claims. Applicant respectfully traverses the foregoing rejection. In this regard, Applicant does not understand the outstanding rejection in that the elements mentioned by the Examiner are described in the specification and already shown in the drawings.

The Examiner is respectfully referred to §281 of the MPEP. This section of the MPEP specifically states that "[t]he disclosure of the structure (or material or acts) may be implicit or inherent in the specification if it would have been clear to those skilled in the art what structure (or material or acts) corresponds to the means (or step)- plus - function claims limitation" (citations omitted). Here, the specification clearly describes the structure that is capable of performing the recited function. All of the structure is already shown in the

drawings. In sum, the claim language noted by the Examiner is clearly explained in the specification, and already shown in the drawings. Accordingly, the objection to the drawings is respectfully traversed.

In view of the amendments to the claims, together with the remarks set forth above, it is respectfully submitted that the present application is, in all conditions, complete and in condition for allowance. Accordingly, reconsideration and allowance of the pending claims is respectfully solicited.

In the event that the Examiner has any questions concerning this Amendment, he is invited to telephone the undersigned attorney.

Respectfully submitted,



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